

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X  
:  
UNITED STATES OF AMERICA :  
:  
- v. - :  
:  
HARITH AL-JABAWI, :  
a/k/a "Harry," and :  
JOSEPH CRENSHAW, :  
:  
Defendants. :  
- - - - -X

INDICTMENT

S1 07 Cr. 1145 (JFK)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>3/18/08</u>
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COUNT ONE

The Grand Jury charges:

1. From at least in or about April 2007 to in or about August 2007, in the Southern District of New York and elsewhere, JOSEPH CRENSHAW and HARITH AL-JABAWI, a/k/a "Harry," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Section 201 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that JOSEPH CRENSHAW, the defendant, and others known and unknown, at least one of whom was a public official, corruptly demanded, sought, received, accepted, and agreed to receive and accept a thing of value personally and for any other person and entity, in return for being influenced in the performance of an official act, and in return for committing and aiding in committing, and

colluding in and allowing any fraud, and making opportunity for the commission of any fraud, on the United States, and in return for being induced to do and omit to do any act in violation of official duty to wit, CRENSHAW, a Chief Warrant Officer with the United States Army, and others known and unknown, accepted thousands of dollars in cash in exchange for accompanying contractors' fuel trucks to the fuel depot at Camp Liberty in Iraq to obtain fuel to which the contractors were not entitled.

3. It was a part and an object of the conspiracy that HARITH AL-JABAWI, a/k/a "Harry," the defendant, and others known and unknown, corruptly gave, offered, and promised a thing of value to a public official, and offered and promised a public official to give a thing of value to another person or entity, with intent to influence an official act, and to influence such public official to commit and aid in committing, and collude in and allow a fraud and make opportunity for the commission of a fraud, on the United States, and to induce a public official to do or omit to do any act in violation of the lawful duty of such official, to wit, AL-JABAWI, and others known and unknown, paid thousands of dollars in cash to United States Army officers so that the officers would accompany contractors' fuel trucks to the fuel depot at Camp Liberty in Iraq to obtain fuel to which AL-JABAWI was not entitled.

OVERT ACTS

4. In furtherance of the charged conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about May 2007, HARITH AL-JABAWI, a/k/a "Harry," the defendant, paid a co-conspirator not named herein, who was an officer in the United States Army, to accompany an 11,000-gallon truck to the fuel depot at Camp Liberty, Iraq.

b. In or about August 2007, JOSEPH CRENSHAW, the defendant, accompanied an 11,000-gallon truck to the fuel depot at Camp Liberty, Iraq.

(Title 18, United States Code, Sections 371 and 3238.)

COUNT TWO

The Grand Jury further charges:

5. In or about December 2006, in the Southern District of New York and elsewhere, HARITH AL-JABAWI, a/k/a "Harry," the defendant, made and used a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, AL-JABAWI submitted a Department of Defense Form 1172-2, also known as an Application for Department

of Defense Common Access Card, containing materially false information regarding AL-JABAWI's employer in order to gain access to United States installations in Iraq.

(Title 18, United States Code, Sections 1001(a)(3) and 3238.)

FORFEITURE ALLEGATION

6. As the result of committing the offense in violation of 18 U.S.C. § 371, alleged in Count One of this Indictment, JOSEPH CRENSHAW, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of these offenses, including but not limited to the amount of proceeds obtained as a result of the offenses.

7. As the result of committing the offense in violation of 18 U.S.C. § 371, alleged in Count One of this Indictment, HARITH AL-JABAWI, a/k/a "Harry," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of these offenses, including but not limited to the amount of proceeds obtained as a result of the offenses.

Substitute Asset Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

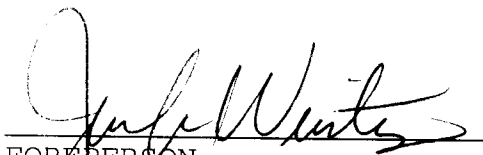
(3) has been placed beyond the jurisdiction of the Court;

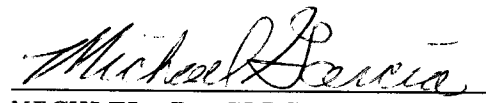
(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981(a)(1)(C) and 982;  
Title 21, United States Code, Section 853(p);  
Title 28, United States Code, Section 2461.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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Defendants.

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INDICTMENT

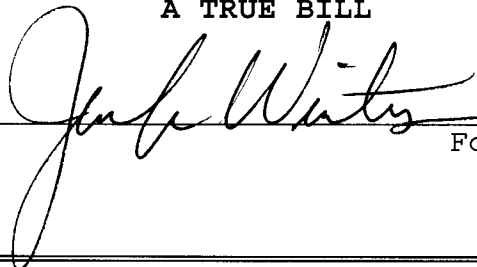
S1 07 Cr. 1145 (JFK)

(Title 18, United States Code,  
Sections 371 and 1001(a)(3).)

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MICHAEL J. GARCIA  
United States Attorney

A TRUE BILL



Foreperson.

3/15/08  
Filed Indictment Under Seal. A/W issued for Def.  
Harith Al-Jabawi  
Pitman  
U.S.M.J.